

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**RYAN BLAIR, Individually  
and as Next Friend of  
JADEN JAMES EUGENE BLAIR,**

**Plaintiff,**

**v.**

**AGNES SIEMSEN,**

**Defendant.**

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**CIVIL ACTION NO.**

**SA-08-CV-0004 NN**

**SHOW CAUSE ORDER**

The purpose of this order is to direct defendant Agnes Siemsen to show cause why federal-court jurisdiction exists in this case. Siemsen removed this case from the 73d Judicial District Court, Bexar County, Texas. The parties consented to my jurisdiction<sup>1</sup> and the district court transferred the case to me.<sup>2</sup>

Blair did not challenge the removal, but the court has a duty to confirm its jurisdiction. In the notice of removal, Siemsen asserted that jurisdiction exists because the alleged negligent conduct occurred on a federal enclave.<sup>3</sup> Siemsen explained that the alleged negligent conduct occurred at Siemsen's private day care center on Lackland Air Force Base. Although those details are not included in Blair's complaint, I know of no provision giving a federal court jurisdiction over an alleged state tort on the basis that it occurred on federal property. Because

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<sup>1</sup>Docket entry #s 3 & 6.

<sup>2</sup>Docket entry # 8.

<sup>3</sup>Docket entry # 1.

she bears the burden of establishing federal-court jurisdiction,<sup>4</sup> I direct Siemsen to respond to this order in writing by June 3, 2008 and explain why federal-court jurisdiction exists in this case. If Siemsen fails to respond to this order by that date, I will remand this case to the 73d Judicial District, Bexar County, Texas, without further briefing.

**SIGNED** on May 22, 2008.

A handwritten signature in cursive script, reading "Nancy Stein Nowak", is written over a horizontal line.

NANCY STEIN NOWAK  
UNITED STATES MAGISTRATE JUDGE

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<sup>4</sup>See *Carpenter v. Wichita Falls Indep. Sch. Dist.*, 44 F.3d 362, 365 (5th Cir. 1995).